

June 26, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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REPORT AND DECISION ON APPLICATION FOR
PRELIMINARY PLAT APPROVAL.

SUBJECT: Department of Development and Environmental Services File No. L96P0030

KRISTA GARDENS
Preliminary Plat Application

Location: 4530 South 315th Street, north of South 315th Street and east of
44th Avenue South

Applicant: Dick Myers
Amco Investments, Inc.
911 Western Avenue, #409
Seattle, WA 98104

SUMMARY OF RECOMMENDATIONS AND DECISION:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted: November 18, 1996
Notice of complete application: February 7, 1997

EXAMINER PROCEEDINGS:

Hearing Opened: June 10, 1997
Hearing Close: June 10, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Traffic safety (sight distance)
- Density
- Recreation area
- Surface water detention

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Amco Investments, Inc. Dick Myers 911 Western Avenue, Suite 409 Seattle, WA 98104 (206) 340-0907
Engineer:	Cascade Surveying & Engineering, Inc. Elden McCall PO Box 326 Arlington, WA 98223 (360) 435-5551
STR:	NW, SE, Sec. 10, T 21 N, R 4 W.M.
Location:	4530 South 315th Street, north of South 315th Street and east of 44th Avenue South
Zoning:	R-4
Acreage:	1.96 acres
Number of Lots:	8
Density:	4 units per acre
Typical Lot Size:	7,682 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	#39 Federal Way
School District:	#210 Federal Way
Complete Application Date:	February 7, 1997

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the June 10, 1997 public hearing (Exhibit No. 2) are found to be correct and are incorporated herein by this reference.

3. Access to the subject property will be from 44th Avenue South, using South 315th Street along the south boundary of the proposed plat. South 315th Street is presently constructed as a half

street. It serves 11 existing residences (including one on the subject property). Development of this proposed plat will include the dedication of additional right-of-way for South 315th Street to allow for widening of the roadway and relocation of the center line to the north, which will improve sight distance to the south for traffic entering 44th Avenue South. The King County Road Engineer has approved a variance for the entering sight distance to allow 465 feet, rather than the 490 feet required by the King County Road Standards. This approval by the King County Road Engineer is a final decision of King County and is not appealable to the Hearing Examiner. The variance is based upon the Road Engineer's determination that the criteria for a variance, as contained in the Road Standards, have been met.

4. The proposed development of eight lots on 1.96 acres is consistent with the density provisions of the R-4 zone classification applicable to this property. The proposal provides lot widths in excess of the minimum requirements of the zone, and is consistent with the policies of the King County Comprehensive Plan for residential development in the urban area.
5. The proposed plat will meet the requirement for provision of recreation area in the R zone classifications by providing such area within the westerly portion of the property. The recreation area will be within the area shown as reserved for stormwater control facility, but will be separate from the stormwater detention pond. Final design of the recreation area must be approved by DDES.
6. Additional surface water run-off from the subject property which will result from its development will be detained; pollutants will be removed; and the water released in accordance with the requirements of the 1990 King County Surface Water Design Manual. Facilities to accomplish the requirements will be located in the westerly portion of the property and shall include a surface water detention pond and biofiltration. Downstream analysis provided by the applicant does not indicate any significant problems within one quarter mile downstream of the subject property.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

The proposed plat of KRISTA GARDENS, as received November 18, 1996, is GRANTED preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density (and minimum density) of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended, subject to variances granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and current storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following conditions outline several Core and Special Requirements from Chapter One in the SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM Manual shall also be addressed in the design of engineering plans.
 - a. Core Requirement No. 3 Run-off Control: Stormwater run-off control shall be provided using standard detention design criteria outlined in the manual. Biofiltration of stormwater is also required for water quality enhancement. The run-off control facilities shall be located in a separate tract and dedicated to King County. As specified in section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.
 - b. Special Requirement No. 5: Special Water Quality Controls. The final drainage analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required.
9. A Road Variance No. L96V0119 was applied for and approved for entering sight distance at the South 315th Street and 44th Avenue South intersection. The conditions of approval for this variance shall be addressed on the engineering plans at engineering plan submittal. The conditions of approval generally conform to a conceptual grading plan received February 7, 1997, and includes pavement overlays and widening.
10. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards:
 - a. South 315th Street shall be improved to the urban subaccess street standard (north side only). The improvement of South 315th Street shall generally conform to the conceptual grading plan received February 7, 1997, unless otherwise approved by DDES.
 - b. Frontage: The frontage along 44th Avenue South (east side only) shall be improved to the urban neighborhood collector standard. The improvement of 44th Avenue South shall generally conform to the conceptual grading plan received February 7, 1997, unless otherwise approved by DDES.
11. Eighteen feet of additional right-of-way shall be dedicated for the widening of existing South 315th Street, including a right-of-way radius at the intersection of South 315th Street and 44th Avenue South (southwest corner of the site).

12. The intersection of South 315th Street and 44th Avenue South shall be designed as a low speed curve with a 55-foot radius per Section 2.10 of the King County Road Standards.
13. Modification to the road conditions may be made in conformance with the variance provisions of the King County Road Standards Section 1.08.
14. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: 1) pay the MPS fee at final plat recording, or 2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, a note shall be placed on the face of the plat stating: "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
15. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to dwelling units in the plat and shall be collected prior to building permit issuance.
16. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
17. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190. A recreation space plan shall be reviewed and approved by DDES prior to engineering plan approval.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).

ORDERED this 26th day of June, 1997.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 26th day of June, 1997, to the following parties and interested persons:

Tom Bontemple
Don DeBoer/Amco Investments, Inc.
Sea-King Co. Dept. Public Health
George Gardner
Don & Karen Hall
Michael Hamilton

King Conservation District
Phillip Johnson
Gordon Kilcup
Elden McCall/Cascade Survey & Engineering
Dick Myers/Amco Investments, Inc.
Fred F. Poyner, III/Cascade Survey &

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Engineering
John L. Scott Land Department
Jim Wolf

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Greg Borba, DDES/LUSD
Marilyn Cox, DDES/LUSD
Tom Fitzpatrick, DDES/LUSD
Barbara Heavey, DDES/LUSD
Gary Kohler, DDES/LUSD
Michaelene Manion, DDES/LUSD
Aileen McManus, DDES/Building Services
Lisa Pringle, DDES/LUSD
Gary Samek, King Co. Dept. Transportation
Steve Townsend, DDES/LUSD
Caroline Whalen
Bruce Whittaker, DDES/LUSD

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before July 10, 1997. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 17, 1997. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 10, 1997 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96P0030 -- KRISTA GARDENS:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Gary Kohler, Bruce Whittaker, Elden McCall, Phillip Johnson, Gordon Kilcup, Jim Wolf, Michael Hamilton, and Don DeBoer.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services File No. L96P0030 - Krista Gardens
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the June 10, 1997 public hearing
Exhibit No. 3	Application, received November 18, 1996
Exhibit No. 4	Environmental Checklist, received November 18, 1996

- Exhibit No. 5 Addendum to existing Determination of Non-Significance, received April 29, 1997
- Exhibit No. 6 Affidavit of Posting, received May 21, 1997
- Exhibit No. 7 Preliminary plat plan and vicinity map for Krista Gardens, received November 18, 1996
- Exhibit No. 8 Kroll land use map, 716E
- Exhibit No. 9 Assessor's Map, SE 10-21-4
- Exhibit No. 10 Zoning and Subdivision Examiner's Report and Recommendation to the King County Council, File No. S89P012 - Krista Gardens, dated December 4, 1991
- Exhibit No. 11 Letter dated December 20, 1996, from KCDOT/Road Services Division, to Elden McCall, re: Request for Variance
- Exhibit No. 12 Plat plan and conceptual grading plan
- Exhibit No. 13 Letter dated March 25, 1997, from KCDOT/Road Services Division, to Elden McCall, re: Granting Road Variance No. L96V0119

JNOC:gb

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